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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 MONIQUE M. PHILLIPS,)
09 Plaintiff,) CASE NO. C11-0503-JCC-MAT
10 v.)
11 MICHAEL ASTRUE,) REPORT AND RECOMMENDATION
Commissioner of Social Security,)
12 Defendant.)
13 _____)

14 Plaintiff brought this action to seek judicial review of the denial of her application for
15 Supplemental Security Income by the Commissioner of the Social Security Administration.
16 The parties have now stipulated that this case should be reversed and remanded pursuant to
17 sentence four of 42 U.S.C. § 405(g). (Dkt. 28.)

18 Based on the stipulation of the parties, the Court recommends that this case be
19 REVERSED and REMANDED for further administrative proceedings. The parties have
20 stipulated that, on remand, the Administrative Law Judge (ALJ) will:

- 21 (1) update the treatment evidence on plaintiff's medical conditions;
22 (2) if warranted, obtain evidence from a medical expert to clarify the nature

and severity of plaintiff's impairments;

(3) reconsider whether plaintiff's impairments meet or equal Listing 5.05A – which provides that when the criteria for the listing are satisfied, a claimant is considered under a disability for one year following the last documented transfusion – in light of Dr. Lindberg's testimony that the criteria (except for the duration requirement) were satisfied (Administrative Record (AR) 40), Dr. Wolfe's opinion that the criteria (except possibly the number of units of blood received in transfusions) were satisfied (AR 483), and evidence that plaintiff received multiple transfusions of "a few units of packed red blood cells with stable to stabilizing hemoglobin" (AR 243);

(4) reconsider and expressly evaluate Dr. Lindberg's (AR 40), Dr. Wolfe's (AR 483), and Dr. Washburn's opinions (AR 364) – including Dr. Washburn's opinions that there was no reason to believe plaintiff's long term history of inadequate response to stress had improved, the prognosis for the claimant to achieve a level of stability needed to cope with stress of employment was guarded, and that plaintiff did not have the emotional stability to cope with the stress of full-time employment (AR 364) – and explain the reasons for the weight he gives to those opinions;

(5) further consider plaintiff's residual functional capacity on the updated record, citing specific evidence in support of the assessed limitations;

(6) further consider whether plaintiff has past relevant work she could perform with the limitations established by the evidence; and

(7) as appropriate, secure supplemental evidence from a vocational expert to clarify the effect of the assessed limitations on plaintiff's occupational base.

The parties also stipulate that the ALJ and plaintiff should be permitted to raise and pursue additional issues. Additionally, upon proper application, the Court will consider plaintiff's application for attorney fees and expenses pursuant to 28 U.S.C. § 2412, and costs pursuant to 28 U.S.C. § 1920.

Given the above, the Court recommends that United States District Judge John C. Coughenour immediately approve this Report and Recommendation and order the case REVERSED and REMANDED for further administrative proceedings. A proposed order

01 accompanies this Report and Recommendation.

02 DATED this 24th day of May, 2012.

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05 Mary Alice Theiler
06 United States Magistrate Judge
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